

ORDINANCE NO. 2007-017

AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY,
FLORIDA, PROVIDING FOR AN AMENDMENT TO THE
PALM BEACH COUNTY CHARTER CONCERNING THE
TRANSFER OR LIMIT OF A SERVICE, FUNCTION,
POWER OR AUTHORITY OF A MUNICIPALITY;
PROVIDING FOR CHARTER AMENDMENT
LANGUAGE; PROVIDING FOR REFERENDUM AND
BALLOT LANGUAGE; PROVIDING FOR FORM OF
NOTICE; PROVIDING FOR ADOPTION BY THE BOARD
OF COUNTY COMMISSIONERS; PROVIDING FOR
SEVERABILITY; PROVIDING FOR INCLUSION IN THE
CHARTER; AND PROVIDING FOR AN EFFECTIVE
DATE.

19 **WHEREAS**, Section 1(c), Article VIII of the Constitution of the State of Florida
20 provides that by general law a county government may be established by charter; and

21 **WHEREAS**, the voters of Palm Beach County adopted the Palm Beach County Charter
22 on November 6, 1984, effective January 1, 1985; and

23 **WHEREAS**, the Palm Beach County Charter provides that the Board of County
24 Commissioners may propose a charter amendment subject to voter approval; and

25 **WHEREAS**, the Board of County Commissioners of Palm Beach County desires to
26 propose a charter amendment that would require both County and Municipal approval of
27 charter amendments affecting a municipal power or function.

28 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
29 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

30 Section 1. AMENDMENT OF CHARTER

Sec. 6.3 Home Rule Charter Amendments

35 Amendments to this Home Rule Charter may be proposed by the
36 Board of County Commissioners by an affirmative vote of at
37 least four (4) members, ~~subject to approval by the voters of Palm~~
38 ~~Beach County in a referendum.~~ The Home Rule Charter
39 amendment may also be initiated by seven (7) percent of the
40 number of voters qualified to vote in the last general election, and
41 the initiated amendment shall be presented and verified in the
42 manner and time set forth in Article V, Section 5.1. The Home
43 Rule Charter amendment ~~so initiated~~ shall be placed on the ballot
44 on the first Tuesday after the first Monday in November of any
45 year or in connection with a presidential preference primary
46 occurring at least thirty (30) days after verification. Amendments
47 to this Home Rule Charter must be approved by a majority of the

1 voters of Palm Beach County voting in a referendum. Approved
2 charter amendments that transfer or limit a service, function,
3 power or authority of a municipality shall be effective in a
4 municipality only if the amendment is also approved by a
5 majority of voters in that municipality voting in the referendum.
6 If approved by a majority of those who voted, the Home Rule
7 Charter amendment shall become effective on the date specified
8 in the amendment or, if not so specified, on January 1 following
9 the election. Each amendment to this Home Rule Charter shall
10 be limited to a single and independent subject.

Section 2. REFERENDUM AND BALLOT LANGUAGE

12 On November 4, 2008, a general election is to be held, and in accordance with the
13 requirements of the Constitution and Laws of Florida, the following question shall be placed on
14 the ballot by the Supervisor of Elections:

15 REQUIRE BOTH COUNTY AND MUNICIPAL APPROVAL
16 OF CHARTER AMENDMENTS AFFECTING MUNICIPAL
17 POWER OR FUNCTION

18
19 Shall the Palm Beach County Charter be amended to have charter
20 amendments that are approved by a majority of Palm Beach
21 County voters take effect in a municipality only if the amendment
22 is also approved by a majority of voters in that municipality,
23 when the proposed amendment transfers or limits a municipal
24 service, function, power or authority?

25
26 YES

27 NO

28 Section 3. FORM OF NOTICE

29 The form of notice of the election by which this Charter shall be submitted to a
30 referendum shall contain the complete text of Sections 1 and 2 of this Ordinance.

31 | Section 4. ADOPTION BY VOTE OF THE BOARD OF COUNTY COMMISSIONERS

32 Pursuant to Section 6.3 of the Palm Beach County Charter, this Ordinance providing for
33 amendment to the Palm Beach County Charter was adopted by an affirmative vote of at least
34 four (4) members of the Board of County Commissioners of Palm Beach County.

35 | **Section 5. SEVERABILITY**

36 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
37 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void,
38 such holding shall not affect the remainder of this Ordinance.

1 **Section 6. INCLUSION IN THE CHARTER**

2 In the event this proposed amendment is approved by referendum, Section 1 of this
3 Ordinance shall become and be made a part of the Home Rule Charter of Palm Beach County,
4 Florida. The Articles or Sections of this Charter Amendment Ordinance may be renumbered or
5 relettered to accomplish such, and the word "amendment" may be changed to "section,"
6 "article," or any other appropriate word.

7 **Section 7. EFFECTIVE DATE**

8 The proposed charter amendment set forth in this Ordinance shall become law on
9 January 1, 2009, if approved by a majority of those electors voting on the matter.

10 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
11 County, Florida, on this the 11th day of September, 2007.

12 SHARON R. BOCK, CLERK, COMPTROLLER
13 & COMPTROLLER

14 By: Judith L. Greene
15 Deputy Clerk

16 APPROVED AS TO FORM AND
17 LEGAL SUFFICIENCY

18 By: Deborah B.
19 County Attorney

20 PALM BEACH COUNTY, FLORIDA, BY ITS
21 BOARD OF COUNTY COMMISSIONERS

22 By: Mary McCallister
23 Addie L. Greene, Chairperson

24 EFFECTIVE DATE: Filed with the Department of State on the 19th day of
25 September, 2007.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on September 11, 2007
dated at West Palm Beach, FL on 10/2/07

By: Diane Brouse
Deputy Clerk

